

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

UNITED STATES OF AMERICA

v.

JOSEPH DEMOND WRIGHT

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CR 401-175

O R D E R

On November 26, 2001, the Honorable John F. Nangle sentenced Defendant Joseph Demond Wright to serve 120 months in prison on a charge of possession of a firearm by a convicted felon and 42 months in prison on a charge of possession of an unregistered firearm, the sentences to be served consecutively. The Judgment and Commitment Order (doc. no. 13) does not mention any state offenses or charges. Defendant was later sentenced to serve 15 years in state court; he was released to federal custody of the Bureau of Prisons in 2016 to begin serving his federal sentence. At present, Defendant has filed a motion asking the Court to credit all or some of his time served in state custody against his federal sentence.

This Court does not have the authority to modify a sentence once it has been imposed with three exceptions, none of which apply here. See 18 U.S.C. § 3582(c)(2). Importantly, when terms of imprisonment are imposed at different times, the sentences run

consecutively unless the court orders a concurrent sentence. 18 U.S.C. § 3584(a). Thus, where the Judgment and Commitment Order is silent, as here, the sentence is deemed to run consecutive to subsequently imposed sentences. The Court notes that Judge Nangle departed *upward* in his sentence, which is in keeping with a non-designation of concurrent sentences. Moreover, the United States Probation Office has reported that Defendant has had seven infractions in the custody of the BOP since 2016. So, while the Court does not have authority to consider his motion, Defendant would not be well-positioned to receive any leniency in any event.

Upon the foregoing, Defendant Wright's motion to correct his sentence (doc. 42) is **DENIED**.

ORDER ENTERED at Augusta, Georgia, this 20th day of April, 2022.


UNITED STATES DISTRICT JUDGE